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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,388	03/31/2008	Donna Marie Auguste	LLR1P002.US01	8134
45965	7590	12/28/2010	EXAMINER	
TIPS GROUP c/o Intellevate LLC P. O. BOX 52050 Minneapolis, MN 55402			PATEL, MANGLESH M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,388	<b>Applicant(s)</b> AUGUSTE, DONNA MARIE	
	<b>Examiner</b> MANGLESH M. PATEL	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/26/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/6/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/25/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This **Non-Final** action is responsive to communications: IDS filed on 6/25/2007 to the application filed on 12/26/2005.
2. Claims 1-24 are pending. Claims 1, 10, 17 and 20 are the independent claims.

### **Information Disclosure Statement**

3. The information disclosure statement (IDS) submitted on 6/25/2007 has been entered, and considered by the examiner.

### **Priority**

4. Acknowledgement is made to applicant's claim for priority to PCT/US2004/020302, filed 6/25/2004, with priority to U.S. Provisional application 60/483441, filed 6/26/2003.

### **Drawings**

5. The Drawings filed on 3/6/2008 have been approved.

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Holtz (U.S. 6,760,916, filed on Apr. 18, 2001).

**Regarding Independent claims 1, 10 and 17,** A method of enhancing a media file with intrinsic supplementary content, comprising: obtaining a media file; and combining supplementary content with the media file to create a compressed unitary media file with supplementary content.

Holtz discloses a method for enhancing a media with intrinsic supplementary content such as advertisements, commercials and sponsorship information (see abstract). He teaches obtaining a media file and combining supplementary content to create a compressed unitary media file in a single format or reassembled and streamed as a single download (see column 3, lines 40-67 & column 4, lines 1-45 & column 8, lines 10-60).

**Regarding Dependent claim 2,** with dependency of claims 1, Holtz discloses wherein the supplementary content includes a first supplementary media file and a second supplementary media file (see column 16, lines 49-65, disclosing adding additional segments to the media file including more than one advertisement thereby disclosing a first and second supplementary media file).

**Regarding Dependent claim 3**, with dependency of claims 2, Holtz discloses wherein the first supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the first supplementary media file includes advertisement information).

**Regarding Dependent claim 4**, with dependency of claims 2, Holtz discloses wherein the first supplementary media file is commentary (see column 4, lines 1-40, disclosing that the first supplementary content includes interviews thereby supporting content such as commentary).

**Regarding Dependent claim 5**, with dependency of claims 3, Holtz discloses wherein the second supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the second supplementary media file includes advertisement information).

**Regarding Dependent claim 6**, with dependency of claims 3, wherein the second supplementary media file is commentary (see column 4, lines 1-40, disclosing that the second supplementary content includes interviews thereby supporting content such as commentary).

**Regarding Dependent claim 7**, with dependency of claims 4, Holtz discloses wherein the second supplementary media file is an advertisement (see column 4, lines 1-40, disclosing that the second supplementary media file includes advertisement information).

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**Regarding Dependent claim 8**, with dependency of claims 1, Holtz discloses wherein combining supplementary content with the media file includes: loading the supplementary content; loading the media file; forming a unitary file with supplementary content including the media file and the supplementary content; compressing the unitary media file with supplementary content to form a compressed unitary media file with supplementary content; and exporting the compressed unitary with supplementary content (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing and exporting the unitary media file).

**Regarding Dependent claim 9**, with dependency of claims 8, Holtz discloses wherein compressing the unitary media file with supplementary content includes encoding the unitary media file with supplementary content (see column 8, lines 15-60, disclosing, compressing the unitary file with the added segments comprising the supplementary content includes encoding the unitary media file with the content).

**Regarding Dependent claim 11**, with dependency of claims 10, Holtz discloses receiving a second supplemental media file; and combining the media file with the first supplemental media file to form a combined media file further includes combining the media file with the first supplemental media file and the second supplemental media file to form the combined media file (see column 4, lines 1-40, disclosing combining a first and second supplementary content as added segments to a video content).

**Regarding Dependent claim 12**, with dependency of claims 10, Holtz discloses wherein the first supplemental media file is an advertisement (see column 4, lines 1-40, disclosing that the first supplementary media file includes advertisement information).

**Regarding Dependent claim 13**, with dependency of claims 10, Holtz discloses wherein the first supplemental media file is an commentary (see column 4, lines 1-40, disclosing that the second supplementary content includes interviews thereby supporting content such as commentary).

**Regarding Dependent claim 14**, with dependency of claims 11, Holtz discloses wherein the first supplemental media file is an advertisement and the second supplemental media file is an advertisement (see column 4, lines 1-40, disclosing that the first and second supplementary media file includes advertisements information thereby including more than one).

**Regarding Dependent claim 15**, with dependency of claims 11, Holtz discloses wherein the first supplemental media file is commentary and the second supplemental media file is commentary (see column 4, lines 1-40, disclosing that the added segment content includes a first and second or numerous segments of the same content type such as commentaries).

**Regarding Dependent claim 16**, with dependency of claims 19, Holtz discloses wherein: combining the first media file with the first supplemental media file to form the combined media file includes: loading the media file; loading the first supplemental media file; forming a combined media file including the media file and the first supplemental media file; and encoding the combined media file (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing/encoding and exporting the unitary media file).

**Regarding Dependent claim 18**, with dependency of claims 17, Holtz discloses wherein: the processor is further to: receive a second supplemental media file; and combine the media file with the first supplemental media file and the second supplemental media file to form the combined media file (see column 4, lines 1-40, disclosing combining the media files comprising the segments to the original media file to generate the modified new file).

**Regarding Dependent claim 19**, with dependency of claims 18, Holtz discloses wherein the processor is operative to: load the media file; load the first supplemental media file; form a combined media file including the media file and the first supplemental media file; and encode the media file (see column 13, lines 3-53 & column 8, lines 15-60, disclosing loading supplementary content with a media file and then forming a unitary file in a single format which includes compressing/encoding and exporting the unitary



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media file).

**Regarding Independent claim 20,** An apparatus, comprising: means for receiving media files; means for combining media files; and means for exporting media files.

Holtz discloses a method for enhancing a media with intrinsic supplementary content such as advertisements, commercials and sponsorship information (see abstract). He teaches obtaining a media file and combining supplementary content to create a compressed unitary media file in a single format or reassembled/exported and streamed as a single download (see column 3, lines 40-67 & column 4, lines 1-45 & column 8, lines 10-60).

**Regarding Dependent claim 21,** with dependency of claims 1, Holtz discloses wherein at least one of the media file and the supplementary content comprises video content (see column 4, lines 1-40, wherein the content includes video files).

**Regarding Dependent claim 22,** with dependency of claims 1, Holtz discloses wherein at least one of the media file and the supplementary content comprises audio content (see column 4, lines 1-40, wherein the content includes audio).

**Regarding Dependent claim 23,** with dependency of claims 2, Holtz discloses wherein at least one of the media file, the first supplementary media file and the second

supplementary media file comprises at least one of video content and audio content (see column 4, lines 1-40, wherein the first and second segments that are added to represent the supplementary content include video and or audio content).

**Regarding Dependent claim 24**, with dependency of claims 1, Holtz discloses wherein:the supplementary content is combined with the media file such that at least a portion of a time index of the supplementary content overlaps with a time index of the media file (see column 4, lines 1-40, wherein the combined segments include overlapping a time index thereby generating a transition between the contents).

**It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]**

### **Conclusion**

### **References Cited**

8. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Angell et al. (U.S. 6,513,003) discloses “System And Method For Integrated Delivery Of Media And Synchronized Transcription”
- Kim et al. (U.S. 7,318,036) discloses “Method Of Advertising And Conducting Electronic Commercial Transactions Through A Communication Network”
- Subramanian et al. (U.S. 7,511,718) discloses “Media Integration Layer”
- Knepper et al. (U.S. Pub 2001/0042249) discloses “System And Method Of Joining Encoded Video Streams For Continuous Play”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached M-W & F from 6 am-1:30 pm & TH from 6 am –4 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel

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Patent Examiner (AU 2178)

December 16, 2010

/Manglesh M Patel/

Manglesh Patel

Examiner, Art Unit 2178

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178